

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 577 final

Brussels, 22 September 1982

Proposal for a  
COUNCIL REGULATION (EEC)

on measures implementing the agreement on the international carriage  
of passengers by road by means of occasional coach and bus services  
(ASOR)

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(submitted to the Council by the Commission)

COM(82) 577 final

## EXPLANATORY MEMORANDUM

The European Economic Community has concluded with Austria, Finland, Norway, Portugal, Spain, Sweden, Switzerland and Turkey an Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR).

To bring the ASOR into force in the European Economic Community, a Regulation containing measures to implement this Agreement needs to be drawn up, in order to ensure that:-

- (i) the concept of the competent authorities in the European Economic Community is specified;
- (ii) the Member States are called upon to adopt the measures needed to implement the ASOR ;
- (iii) procedures are established to deal with:
  - (a) cases of infringement of the provisions of the ASOR;
  - (b) difficulties encountered in the operation of the ASOR or of measures taken in accordance with Article 13 thereof;
  - (c) cases where the ASOR has to be revised or terminated;
- (iv) the communications to be made by the Commission and by the Member States and the information to be provided by the Commission are laid down.

For the details of the proposal, reference should be made to the attached proposal for a Regulation.

Proposal for a  
COUNCIL REGULATION  
ON MEASURES IMPLEMENTING THE AGREEMENT  
ON THE INTERNATIONAL CARRIAGE OF PASSENGERS  
BY ROAD BY MEANS OF OCCASIONAL COACH AND  
BUS SERVICES (ASOR)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, pursuant to Council Decision 82/505/EEC<sup>1</sup>, the Community has concluded the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR)<sup>2</sup>; whereas that Agreement therefore applies to such services between the Community and the other Contracting Parties which have ratified it

Whereas Article 13 of the ASOR provides that the Contracting Parties shall adopt the measures required to implement the Agreement;

Whereas, in order to implement the ASOR in the European Economic Community, certain powers of the Council, the Commission and the Member States should be specified;

Whereas the principle embodied in Article 14 (2) of the ASOR, that the competent authorities shall inform each other of infringements committed on their territory by a carrier established on the territory of another Contracting Party and of any penalties imposed, should also apply to infringements of the ASOR committed on the territory of a Member State by a carrier established in another Member State,  
HAS ADOPTED THIS REGULATION :

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(1) On 1 July 1982 the Contracting Parties to the ASOR were : the European Economic Community, Austria, Finland, Norway, Portugal, Spain, Sweden, Switzerland and Turkey.

<sup>1</sup> OJ No L 230, 5.8.1982, p. 38

<sup>2</sup> OJ No L 230, 5.8.1982, p. 39

### Article 1

The competent authorities referred to in Articles 2(2), 4(4), 6, 10, 13(1) and 14 of the ASOR shall be the competent authorities in the Member States. Those authorities shall, where appropriate, designate the agencies referred to in Article 6 of the ASOR.

### Article 2

The transport authorization to which the occasional services referred to in Article 2(1) (c) of the ASOR may be made subject in accordance with Article 5(3), where the conditions laid down in Article 5(2) are not satisfied, shall be issued by the competent authorities in the Member State concerned.

### Article 3

The model document with stiff green covers and containing the text of the cover page recto verso of the control document in each official language of all the Contracting Parties, referred to in Article 11 of the ASOR, shall be distributed by the competent authorities in the Member State where the vehicle is registered or by a duly authorized agency.

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Article 4

The measures required to implement the ASOR, and referred to in Article 13(1) thereof, shall be adopted by the competent authorities in the Member States.

Article 5

Where the competent authorities in the Member States come to an agreement with the competent authorities of the other Contracting Parties to the ASOR that, in accordance with the provisions of Article 10 thereof, the list of passengers need not be drawn up, the Member States concerned shall the Commission.

Article 6

The competent authorities in the Member States shall inform each other of the infringements of the ASOR committed in their territory by carriers established in another Member State and of any penalty imposed.

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Article 7

1. The Commission shall inform the Member States of any declaration made pursuant to Article 17(1) of the ASOR by a Contracting Party when signing the ASOR, that such Contracting Party does not consider itself bound by Article 5(2)(b) of the ASOR.
2. The Commission shall also inform the Member States of any withdrawal of such a declaration in accordance with Article 17(2) of the ASOR.

Article 8

1. If a Member State encounters difficulties in the operation of the ASOR or in implementing the measures taken under Article 13 thereof, it shall so inform the Commission and the other Member States.

The Commission shall carry out an examination and shall consult the Member States concerned regarding possible solutions.

2. Where appropriate, the Commission shall request that a meeting of the Contracting Parties be convened in accordance with Article 16(1) of the ASOR.
3. Where the Commission is informed by the Secretariat of the European Conference of Ministers of Transport (ECMT) that another Contracting Party has requested that a meeting of the Contracting Parties be convened in accordance with Article 16(1) of the ASOR, the procedure set out in the second subparagraph of paragraph 1 shall apply.

Article 9

1. If a Member State considers it necessary to revise the ASOR, it shall submit a reasoned request to the Commission and shall inform the other Member States thereof. The Commission shall examine the request and shall consult the Member States.
2. The Commission shall submit to the Council a report on the results of the examination referred to in the second subparagraph of paragraph 1 accompanied, where appropriate, by a proposal to authorize it to negotiate with the other Contracting Parties on behalf of the Community.
3. Where appropriate, the Commission shall request that a conference be convened in order to revise the ASOR in accordance with Article 19(1) thereof.
4. Where the Commission is informed by the Secretariat of the ECMT that another Contracting Party has requested that a conference be convened in accordance with Article 19(1) of the ASOR in order to revise the Agreement, the procedure set out in the second subparagraph of paragraph 1 and in paragraph 2 shall apply.

Article 10

1. If a Member State considers it necessary to withdraw from the ASOR, it shall submit a reasoned request to the Commission and shall inform the other Member States thereof. The Commission shall examine the request and shall consult the Member States.
2. The Commission shall submit to the Council a report on the results of the examination referred to in paragraph 1 accompanied, where appropriate, by a proposal for a Decision to withdraw from the ASOR pursuant to Article 20(2) thereof.
3. Where appropriate, the Commission shall give notification of withdrawal from the ASOR pursuant to Article 20(2) thereof.

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Article 11

The Commission shall inform the Member States:

- (a) of any approval or ratification of the ASOR by a Contracting Party after its entry in force, pursuant to Article 18(3) of the ASOR;
- (b) of any withdrawal by another Contracting Party to the ASOR notified pursuant to Article 20(2) of the ASOR;

Article 12

- 1. The Commission shall communicate this Regulation to the Secretariat of the ECMT pursuant to Article 13(2) of the ASOR.
- 2. Each Member State shall communicate to the Commission the measures taken under this Regulation, and in particular details of the competent authorities designated for implementing the ASOR. The Commission shall inform the other Member States and, pursuant to Article 13 (2) of the ASOR, the Secretariat of the ECMT.
- 3. The Commission shall inform the Member States of the measures referred to in Article 13(1) of the ASOR taken by the other Contracting Parties and communicated to it by the Secretariat of the ECMT pursuant to Article 13(2) of the ASOR.

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Article 13

The Member States shall, in good time, adopt the measures required pursuant to this Regulation in order to ensure implementation of the ASOR from the date on which it enters into force.

Article 14

This Regulation shall enter into force on the first day of the month following its publication in the Official Journal of the European Communities. The provisions of Articles 1 to 12 shall apply as from the entry into force of the ASOR.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President